

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, California 95814



July 9, 1998

ALL COUNTY LETTER NO: 98-53

TO: ALL COUNTY WELFARE DIRECTORS
ALL IHSS PROGRAM MANAGERS

REASON FOR THIS TRANSMITTAL

- ☐ State Law Change
- ☐ Federal Law or Regulation Change
- ☒ Court Order or Settlement Agreement
- ☐ Clarification Requested by One or More Counties
- ☐ Initiated by CDSS

SUBJECT: REGIONAL CENTER SERVICES ARE NOT ALTERNATIVE RESOURCES UNDER THE IN-HOME SUPPORTIVE SERVICES AND PERSONAL CARE SERVICES PROGRAMS

This All-County Letter informs counties of changes in the In-Home Supportive Services (IHSS) Program which resulted from the settlement of the Arp v. Anderson court case. These changes concern developmentally disabled people who are clients of Regional Centers and are also eligible for IHSS residual and Personal Care Services Program (PCSP) services.

Under the Lanterman Developmental Disabilities Services Act at Welfare & Institutions Code (W&IC) section 4500 et. seq., Regional Centers are prevented from purchasing services for their clients when these services can be provided by an agency which has a legal responsibility to serve members of the general public and receives public funds for providing such services. This is the so called "generic services rule". The IHSS program provides such "generic services". Therefore, IHSS and PCSP must be utilized first under this W&IC requirement.

Services provided by Regional Centers to their clients can no longer be considered an alternative resource under W&IC subsection 12301(a) and the Manual of Policies and Procedures subsection 30-763.61. PCSP/IHSS must be granted as though no services are being provided through a Regional Center. Determination of services to be provided by IHSS must be based strictly on the County Welfare Department's assessment of the developmentally disabled applicant.

To the extent permitted by law, county welfare departments may inform Regional Centers of the PCSP/IHSS services authorized for clients of both programs. Consent from the recipient or their legal representative is currently required before informing Regional Centers about the PCSP/IHSS services which are authorized. Regional Centers can then determine what supplemental service(s) the client should receive that do not duplicate PCSP/IHSS services.

Please contact Cindy Munoz, Policy Analyst, at (916) 229-4587 or Phyllis Eversole, Manager, at (916) 229-4036 of my staff, if you have any questions regarding this All-County Letter.

Sincerely,

Original Document Signed By

Donna L. Mandelstam on 7/3/98

DONNA L. MANDELSTAM

Deputy Director

Disability and Adult Programs Division